

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, October 31, 2008 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss

Members Excused:

Sen. Gene Davis
Sen. Mike Dmitrich
Rep. James R. Gowans
Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 9:13 a.m.

MOTION: Rep. Holdaway moved to approve the minutes of the September 8, 2008 meeting. The motion passed unanimously.

2. 2009 General Session draft legislation, "Modifications to Agency Rulemaking Powers"

Mr. Hunsaker distributed 2009 General Session draft legislation, "Modifications to Agency Rulemaking Powers."

Rep. Ferry outlined the changes contained in the draft bill.

Mr. Hunsaker said that Mr. Keith Woodwell, Director, Division of Securities, pointed out that on line 597, "rule or" should be deleted.

Ms. Heather Shilton, Assistant Attorney General, Division of Parks and Recreation, requested that Sections 73-18-21 and 73-18a-14 be removed from the draft bill so that the Division will be in conformance with federal safety laws and regulations, which would allow them to receive federal funding.

Mr. Hunsaker distributed and commented on "Criminal Penalties in Rule - Federal law and Regulation," and Section 63G-3-201 "When Rulemaking is Required."

3. R28-2 Surplus Firearms

Rep. Ferry introduced the issue and referred to "R28-2 Surplus Firearms" distributed in the mailing packet.

Mr. Richard Greenwood, Former Superintendent of the Utah Highway Patrol, Department of Public Safety, stated that upon his retirement in 2001 he turned over his service weapon to the Department and was afforded the opportunity by State Surplus to purchase his weapon at a discounted price. Mr. Greenwood said he was unaware of any changes that have been made since that time, but that if weapons were not made available for purchase by the officers upon their retirement, he would not be in favor of that change.

Ms. Margaret Chambers, Director, Division of Fleet and Surplus Property, distributed "Retiring Officer Firearm Purchases," and explained that the decision to stop allowing the sale of service weapons to retiring officers had to do with proper licensing to sell firearms, which the Division did not have.

Mr. Rich Townsend, Deputy Commissioner, Department of Public Safety, responded to questions from the Committee and recommended that the rule be changed to provide that used weapons may retain their value, go through the surplus process and be resold.

Chair Stephenson noted that a quorum was present and so directed the discussion back to agenda item #2, 2009 General Session draft legislation, "Modifications to Agency Rulemaking Powers."

MOTION: Rep. Ferry moved to amend 2009 General Session draft legislation, "Modifications to Agency Rulemaking Powers" as follows: on line 597 delete "rule or", delete lines 634 through 641, and add "Criminal Penalty" to the title. Rep Ferry additionally moved to recommend the draft as a committee bill. The motion passed unanimously.

4. Committee Business

Future meetings were scheduled for Monday, November 17, 2008 at 2:00 p.m., and Monday, December 1, 2008 at 9:00 a.m.

5. Adjourn

MOTION: Rep. Holdaway moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 10:45 a.m.